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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/526,218   | 03/01/2005  | Hiroya Takaya        | 2004-1595A          | 8196             |
| 513 7590 06/02/2008<br>WENDEROTH, LIND & PONACK, L.L.P.<br>2033 K STREET N. W.<br>SUITE 800<br>WASHINGTON, DC 20006-1021 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| KIM, TAE JUN   |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 3746   |             |                      |                     |                  |
| MAIL DATE  |             | DELIVERY MODE        |                     |                  |
| 06/02/2008   |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/526,218

**Applicant(s)**

TAKAYA ET AL.

**Examiner**

Ted Kim

**Art Unit**

3746

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02/29/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-10 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-10, 13 and 15 is/are allowed.
- 6) ☒ Claim(s) 6, 14, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/08)  
Paper No(s)/Mail Date 04/23/2008, 03/31/2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 16, 17 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Claim 7 sets forth an elastic plate. Claim 16 further sets forth a cover plate, which is the same member from the specification as the elastic plate. However, applicant does not set forth the relationship between the two, hence, rendering the scope of the claims unclear because the same element is being claimed twice.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 6, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 63-80021. JP '021 teaches a cooling construction of a transition piece (see Fig. 6 and Fig. 5) of a gas turbine comprising: a first protrusion 5 and a second protrusion 10 that are mounted on said transition piece orthogonally to a main stream direction of said transition piece on a gas turbine inside diameter side of said transition piece and adjacent to an outlet portion of said transition piece; and a plate 2 having a plurality of holes that is

installed between said first protrusion and said second protrusion, where one end of said plate is fixed to said first protrusion 5 and a tip of the other end of said plate 2 is contacted with said second protrusion 9 so as to move back and forth along said second protrusion in response to thermal stress generated therearound (note that according to the translation on the right end of the plate is fixed to 5 and the left end of the plate 9 is inserted and not fixed to the second protrusion; hence, it will be free to slide along the second protrusion as a result of any thermal stress); said plate is *elastically biased* [by plate 3' in Fig. 6] *in a direction orthogonal to the main stream direction of said transition piece so as to keep said other end contacted with said second protrusion.* Alternately, note that the italicized text is a desired result without any structural member to accomplish the function and can accordingly be given little patentable weight.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 6, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 63-131924 of the IDS of 4/23/08 in view of JP 63-80021. JP '924 teaches a cooling construction of a transition piece (Fig. 1) of a gas turbine comprising: a first protrusion and a second protrusion that are mounted on said transition piece 1 orthogonally to a

main stream direction of said transition piece on a gas turbine inside diameter side of said transition piece and adjacent to an outlet portion of said transition piece; and a plate (element 13 in Fig. 1) having a plurality of holes that is installed between said first protrusion and said second protrusion, where one end of said plate is connected to said first protrusion and a tip of the other end of said plate 7a is contacted with said second protrusion so as to move back and forth along said second protrusion in response to thermal stress generated therearound (note the dashed lines in Fig. 2 show how the plate accommodates the thermal expansion and stresses associated therewith); *said plate is elastically biased in a direction orthogonal to the main stream direction of said transition piece so as to keep said other end contacted with said second protrusion* (by the curved shape of the end 7a). Alternately, note that the italicized text is a desired result without any structural member to accomplish the function and can accordingly be given little patentable weight. JP '924 does not render clear whether the first end of the plate is fixed. JP '021 teaches a cooling construction of a transition piece (see Fig. 6 and Fig. 5) of a gas turbine comprising: a first protrusion 5 and a second protrusion 10 that are mounted on said transition piece orthogonally to a main stream direction of said transition piece on a gas turbine inside diameter side of said transition piece and adjacent to an outlet portion of said transition piece; and a plate 2 having a plurality of holes that is installed between said first protrusion and said second protrusion, where one end of said plate is fixed to said first protrusion 5 and a tip of the other end of said plate 2 is contacted with said second protrusion 9 so as to move back and forth along said second

protrusion in response to thermal stress generated therearound (note that according to the translation on the right end of the plate is fixed to 5 and the left end of the plate 9 is inserted and not fixed to the second protrusion; hence, it will be free to slide along the second protrusion as a result of any thermal stress. It would have been obvious to one of ordinary skill in the art to fix the one end of the plate to the first protrusion, as taught by JP '021 to provide a secure connection at that end.

*Allowable Subject Matter*

7. Claims 7-10, 13, 15 are allowed.

*Response to Arguments*

8. Applicant's arguments filed 02/29/2008 with respect to the claims have been considered and are persuasive with regard to the JP '021, as previously interpreted, or otherwise amend around the art applied. The translation of the JP '021 reference clearly teaches an alternate application of this reference which still anticipates the claimed invention as application.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Ted Kim whose telephone number is 571-272-4829. The Examiner can be reached on regular business hours before 5:00 pm, Monday to Thursday and every other Friday.

The fax number for the organization where this application is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer, can be reached at 571-272-7118. Alternate inquiries to Technology Center 3700 can be made via 571-272-3700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). General inquiries can also be directed to the Patents Assistance Center whose telephone number is 800-786-9199. Furthermore, a variety of online resources are available at <http://www.uspto.gov/main/patents.htm>

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|------------------------|-------------------|--------------|
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